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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 Samuel A. Harding,

11 Plaintiff/Counterdefendant,

12 v.

13 Joan L. Green,

14 Defendant/Counterclaimant.
15

Case No. 2:08-cv-01799-RCJ-LRL

16 **STIPULATION AND ORDER FOR DISMISSAL, WITH PREJUDICE,**
17 **OF ALL CLAIMS AND COUNTERCLAIMS, AND FOR**
18 **PERMANENT INJUNCTION**

19 Plaintiff/Counterdefendant Samuel A. Harding (hereinafter "Harding"), through his counsel,
20 Marc S. Cwik, Esq. of Lewis Brisbois Bisgaard & Smith LLP and Michael R. Small, Esq.; and
21 Defendant/Counterclaimant Joan L. Green (hereinafter "Green"), in Proper Person; hereby enter into
22 the following Stipulation and Order to Dismiss All Claims and Counterclaims, and for permanent
injunction:

23 **RECITALS**

24 WHEREAS, Harding filed a Complaint for Damages and Injunctive Relief (Doc. No. 1) in
25 the above-captioned matter on December 22, 2008 against Green, asserting claims for (1)
26 Cybersquatting - 15 U.S.C. Section 1125; and (2) Common Law Defamation;

27 WHEREAS, Green filed a Counterclaim and Complaint for Damages (Doc. No. 34) on April
28 27, 2009;

4815-7784-9860.1

1 WHEREAS, Harding filed a Motion to Dismiss and to Strike from the Court Record Green's
2 Counterclaim and Complaint for Damages and Green's Counter-Counter Claim (Doc. No. 39);

3 WHEREAS, since filing her Counterclaim and Complaint for Damages (Doc. No. 34) on
4 April 27, 2009, Green has filed several other documents which she entitled a "counterclaim" or
5 which utilized similar terminology, which include the following:

6 (1) "Counterclaim-Counter Claim to Counter-Defendants Counter Claim to Original
7 Counter-Claim (Doc. No. 37), filed on May 11, 2009;

8 (2) "Counterclaim for Civil Liability for False or Fraudulent Registration Under USC Title 15
9 USC 1120 (Lanham Act)" (Doc. No. 53) on June 25, 2009;

10 (3) "Counterclaim to Plaintiff's Second Claim for Relief Defamation, and Counterclaim of
11 Professional Malpractice Under the Nevada Made-Whole Doctrine, Counterclaim to
12 Defendants Assertion that the Holds a Famous Mark" (Doc. No. 66) on July 7, 2009; and

13 (4) "Counter to Sam Harding's Counterclaims, Sam Harding Has Failed to Produce Evidence
14 That He Has a Claim Under 15 USC 1125, Sam Harding Should Be Subject to Sanctions
15 Rule 11" (Doc. No. 79) on August 4, 2009.

16 WHEREAS, Green has also filed multiple other motions and papers intended to respond to
17 Harding's Complaint for Damages and Injunctive Relief with various titles, including, but not
18 necessarily limited to, Doc. Nos. 42, 44, 45, 48, 49, 52, 57, 58, 61, 69, 71, 74, 81, 82, and 88;

19 WHEREAS, in response to Green's various filings, Harding filed a (Counter) Motion to
20 Deem Green a Vexatious Litigant and for Entry of a Pre-Filing Order (Doc. No. 50) and a
21 Supplement to said Motion (Doc. No. 90);

22 WHEREAS, in response to Green's various filings, Harding also filed a Special Motion to
23 Dismiss (Doc. No. 54), pursuant to Nevada's anti-SLAPP laws set forth at NRS 41.635 to NRS
24 41.670, and two Supplements thereto (Doc. Nos. 63 and 66);

25 WHEREAS, Green has sent multiple letters to Harding's counsel and their affiliates in this
26 action and various governmental entities concerning the foregoing litigation and threatening litigation
27 against Harding's counsel and their affiliates;

28 WHEREAS, the parties appeared before the Honorable Lawrence R. Leavitt, United States
Magistrate Judge, on August 26, 2009, for oral argument on Harding's (Counter) Motion to Deem
Green a Vexatious Litigant and for Entry of a Pre-Filing Order (Doc. No. 50);

///

1 WHEREAS, at the hearing on August 26, 2009, Green informed the Court that she is willing
2 and does not care if the court dismisses all of her counterclaims against Harding (*See Minutes of*
3 *Proceedings, Doc. No. 91; see, also, Amended Order at 3:10-11, Doc. No. 93*);

4 WHEREAS, the parties stated on the record at the hearing on August 26, 2009 that they are
5 desirous to bring peace with one another concerning Green's counterclaims against Harding and
6 Green's various motions and other papers filed against Harding;

7 WHEREAS, Magistrate Lawrence R. Leavitt indicated that the parties could submit a
8 Stipulation and Order to the Court for the purpose of dismissing Green's counterclaims against
9 Harding (*See Minutes of Proceedings, Doc. No. 91*);

10 WHEREAS, subsequent to the hearing on August 26, 2009, Magistrate Lawrence R. Leavitt
11 entered an Order striking the following documents filed by Green: Doc. Nos. 24, 36, 42, 45, 49, 58,
12 69, 81, 82, 86, 87 and 88 (*See Amended Order at p. 4, Doc. No. 93*);

13 WHEREAS, subsequent to the hearing on August 26, 2009, the Honorable Robert C. Jones
14 entered an Order (Doc. No. 94) on September 21, 2009 granting various Motions to Dismiss filed by
15 Harding, including, but not limited to, Harding's Motion to Dismiss and to Strike from the Court
16 Record Green's Counterclaim and Complaint for Damages and Green's Counter-Counter Claim
17 (Doc. No. 39), and Harding's Special Motion to Dismiss (Doc. No. 54);

18 WHEREAS, Harding's counsel and Green have discussed the status of this matter and
19 Harding and Green have determined that they would like to have this Court enter an order both
20 dismissing any and all claims and counterclaims between them, with prejudice, and entering a
21 permanent injunction against Green as herein stipulated below, thereby effecting dismissal of this
22 litigation in its entirety and resolving the dispute between the parties; and

23 WHEREAS, Harding's counsel and Green wish to bring peace between each other with
24 regard to Green's threats to file suit against Harding's counsel and their affiliates related to their
25 representation of Harding in the present action;

26 the parties hereby enter into the following Stipulations:

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1 IT IS HEREBY FURTHER STIPULATED that this Court shall retain jurisdiction to enforce
2 the Permanent Injunction entered by this Court, and the stipulations between Harding and Green.

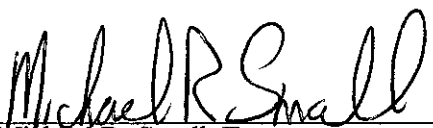
3 DATED this ____ day of October, 2009

DATED this ____ day of October, 2009

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Joan L. Green
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(505) 715-1570
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Plaintiff, In Proper Person

15 DATED this 9th day of October, 2009

16 
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22 FAX: (702) 259-4748
23 Attorney for Plaintiff Samuel A. Harding

24 **ORDER**

25 Upon review of the above Stipulations, and good cause appearing:

26 **IT IS SO ORDERED.**

27 UNITED STATES DISTRICT JUDGE

28 DATED: _____

1 SUBMITTED BY:

2 LEWIS BRISBOIS BISGAARD & SMITH LLP

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